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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/348,495	07/07/1999	JACOBUS CORNELIS HAARTSEN	040070-438	5322

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BURNS DOANE SWECKER & MATHIS L L P  
POST OFFICE BOX 1404  
ALEXANDRIA, VA 22313-1404

EXAMINER

HYUN, SOON D

ART UNIT	PAPER NUMBER
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2663

DATE MAILED: 05/11/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/348,495

Applicant(s)

HAARTSEN, JACOBUS CORNELIS

Examiner

Soon-Dong Hyun

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 24 February 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 22-24 and 27 is/are allowed.
- 6) ☒ Claim(s) 1,2,8,10-13,19-21,25 and 26 is/are rejected.
- 7) ☒ Claim(s) 3-7,9,14-18 and 28 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date: _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                    | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date: _____ | 6) <input type="checkbox"/> Other: _____  |

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## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 2, 8, 12, 13, 19, 25, and 26 are rejected under 35 U.S.C. 102(e) as being anticipated by Masui et al (U.S. Patent No. 6,393,013).

Regarding claims 1, 12 and 22, Masui et al (Masui) discloses a method for establishing a link on a shared communication channel divided into a plurality of time slots comprising the steps of:

establishing a synchronous link (traffic channel 9) between a first (a transmitting terminal) and second communication unit (a receiving terminal), each communication unit is a mobile station which has a transceiver and a processor (claim 22); and

communicating a first data packet (FIG. 5C) on a first one of a set of time slots associated with the link from the first communication unit to the second communication unit by including an address (34) associated with the second communication unit in the first data packet. See col. 7, line 19- col. 8, line 3.

Regarding claims 2 and 13, Masui further discloses that reserving a set of the plurality of time slots for use by the link and separating each one of the time slots associated with the set by a fixed interval. See col. 7, lines 19-33.

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Regarding claims 8 and 19, Masui further discloses that the system has a plurality of communication units and associated links between the units. See FIG. 1.

Regarding claims 25 and 26, Masui does not teach a frame protocol, i.e., Masui teaches a frameless protocol.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 10, 11, 20, and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Masui et al.

Refer to the discussion for the claim 1 and 12. However, Masui et al (Masui) does not explicitly teach a frequency hopping method. It would have been obvious to one having ordinary skill in the art incorporate a frequency hopping scheme into Masui for more reliable communication channel with less interference.

***Allowable Subject Matter***

5. Claims 22-24 and 27 are allowed.

6. Claims 3-7, 9, 14-18, and 28 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

*Response to Arguments*

7. Applicant's arguments filed 02/24/2004 have been fully considered but they are not persuasive.

Applicant argues (page 2 lines 16-18) that the address in the data packet from the transmitting terminal is not an address associated with the second communication unit. Examiner does not agree.

Applicant agrees (page 2, lines 6-9) that "the data packet for transmitting information illustrated in figure 5C of Masui includes a destination address 34, which can be a link number if a link has been secured. (Col. 7, line 56-57)). It appears that the destination address is associated with the receiving terminal."

Therefore, Masui clearly discloses that the first data packet (FIG. 5C) includes a destination address (34) which is a link number associated with the second communication unit (the receiving terminal). The link number is used for identification of a mobile terminal (col. 4, lines 20-22) and therefore, the link number is a kind of an address for a mobile terminal.

Applicant further argues (page 2, lines 25-28) that "traffic channel 9 between the transmitting or receiving units and the base station is not a synchronous communication link, nor does not it comprises a set of time slots associated with the synchronous communication link"

Examiner does not agree. With reference to col. 5, lines 26-35, the base station and the mobile terminals accomplish synchronization acquisition, i.e., the link for communication is synchronized and with reference to col. 6, lines 47-57, the link comprises a set of time slots.

For reasons discussed above, Examiner believes that the claim rejection is proper.

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***Conclusion***

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Soon-Dong Hyun whose telephone number is (703) 305-4550. The examiner can normally be reached on Monday-Friday from 8:30 A.M. to 5:30 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chau Nguyen, can be reached on (703) 308-5340.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

10. Any response to this final action should be mailed to:

Box AF

Commissioner for Patents

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P.O. Box 1450

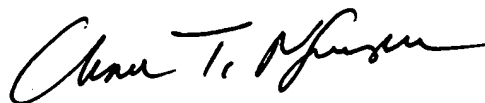
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Or faxed to: 703-872-9306 for formal communications intended for entry with a label of  
"EXPEDITED PROCEDURE" for informal or draft communications with a label of  
"PROPOSED" or "DRAFT" (attn: Art Unit 2663, Soon-Dong Hyun).

*2*

S. Hyun

05/07/2004



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